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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,322	01/09/2001	Chetan Shah	TAL/8003.001	5492

7590 07/22/2004  
Chernoff, Vilhauer, McClung & Stenzel, LLP  
1600 ODS Tower  
601 SW Second Avenue  
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EXAMINER
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OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09757322

EXAMINER
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ART UNIT	PAPER
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20040715

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**Commissioner for Patents**

The Reply Brief filed 4/15/2004 has been entered and considered; however, the arguments made by the applicant are found to be non-persuasive and the reply will be forwarded with the file to the Board of Appeals for further review.

The Declaration filed on 4/15/2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Fredrickson (US 2002/0019768 A1) reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Fredrickson reference to either a constructive reduction to practice or an actual reduction to practice.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Fredrickson reference. The submitted declaration shows a specification, which outlines the basic conception of the claimed invention, but in no way does the declaration show diligence from the conception date to either a constructive reduction to practice or an actual reduction to practice.

**JOHN G. WEISS****SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**